IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2341 of 1999

Between:

B.Venkata Rangaiah S/o Venkatasivaranayana Gupta

..... PETITIONER

AND

1. The District Collector, Prakasam District.
2. The Chief Executive Officer,Zilla Praja Parishad,Ongole
3. The Mandal Revenue Officer, Bestavaripet, Prakasam district
4. The Bestavaripet Grampanchayath rep.by its E.O,Bestavaripet,Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not taking steps to alienating the land to an extent of Ac.0.02 cents in Sy.No.33/B of Bestavaripet village and Mandal of Prakasam District in favour of Grampacnhayat or Mandal Parishad, Bestavaripet for construction of a Bus Shelter as illegal and arbitrary and amounts to dereliction of duties and consequently direct the respondents to alienate the said land to the Grampanchayat or Mandal Parishad, Bestavaripet, Prakasam District forthwith enabling them to construct a Bus shelter in the said site and pass such other order or orders as deem fit and proper.

For the Petitioner: SMT.A.GAYATRI REDDY

For the Respondent No.: MR.J.DASARATHI

The Court Made the Following :

ORAL ORDER

This writ petition is filed seeking writ of Mandamus to declare the action of the respondents in not taking steps to alienate the land to an extent of Ac.0.02 cents in Sy.No.33/B of Bestavaripet village and Mandal, Prakasam district in favour of Grampanchayat or Mandal Parishad, Bestavaripet, as illegal and arbitrary.

It is the case of petitioner that he is the president of Mandal Parishad, Bestavaripet, Prakasam district. It is his case that the land to an extent of Ac.0.02 cents in Sy.No33/B belongs to Zilla Parishad and there was a request from the Grampanchayat as well as from the Mandal parishad to alienate the said land for the purpose of construction of bus shelter. Further, it is his case that in spite of repeated representations no final decision is taken to alienate the said land even though necessary inquiry was conducted.

Counter-affidavit is filed on behalf of the fourth respondent. It is stated that the proposed bus shelter at the place in Sy.No.33/B is not a feasible proposition. Further, it is stated that the Government has issued order in G.O.Rt.No.536(R.R.&R.D.), permitting the Chief Executive Officer of Zilla Parishad, Ongole to transfer the strip of Ac.0.02 cents in sy.No.33/B of Bestawarapeta to a third party.

It is not in dispute that land of Ac.0.02 cents belongs to Zilla Parishad and merely because proposals were sent by the Grampanchayat for construction of the bus shelter, there is no obligation on the part of the respondents to alienate the said land for the proposed construction of bus shelter. It is always open for the respondents-authorities to examine the feasibility of the said proposal and now it is stated in the

counter-affidavit that the said proposal is not feasible. Further, it is stated that the Government has passed orders permitting the Chief Executive Officer, Zilla Parishad, Ongole to transfer the strip of Ac.0.02 cents in Sy.No.33/B of Bestawarapeta to the third party. But no steps have been taken to question the said orders of the Government.

Inasmuch as the third parties have already come into picture and they are not parties to the present writ petition. In any event the petitioner does not have any legal right to question the action of the respondents for not alienating the land. In the absence of any legal right, the petitioner is not entitled for the relief prayed for.

Accordingly, the writ petition is devoid of merits and is dismissed. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1. The District Collector, Prakasam District.
2. The Chief Executive Officer,Zilla Praja Parishad,Ongole
3. The Mandal Revenue Officer, Bestavaripet, Prakasam district
4. The Bestavaripet Grampanchayath rep.by its E.O, Bestavaripet, Prakasam District.
5. Two C.D. Copies.